

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABINO GENAO,

Plaintiff,

v.

CITY OF NEW YORK, CAPTAIN LOPEZ, CO
POTTER, NIC WARDEN COLLINS, CO
JOHN DOE, CO JOHN DOE, NIC CAPTAIN
MCLAIN,

Defendants.

ORDER

20 Civ. 8731 (ER)

RAMOS, D.J.

On October 15, 2020, Gabino Genao brought this action, *pro se*, pursuant to 42 U.S.C. § 1983, alleging that the City of New York (the “City”) and several correction officers, including two John Does, violated his constitutional rights. Doc. 1. On October 22, 2020, the Court issued an order, pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), directing the City to identify the John Does (the “Valentin Order”) and directing Plaintiff to amend the complaint to name the John Does once identified. Doc. 6 at 3. On December 21, 2020, the City identified the John Does as correction officers Jamell Moore and Justin Andrews and provided their shield numbers. Doc. 14. On December 30, 2020, the City requested a stay pending the Department of Correction’s investigation into the incident underlying the complaint. Doc. 15. The Court directed Plaintiff to respond to the City’s stay request by January 15, 2021. Doc. 16. On January 12, 2021, the Court granted Plaintiff’s request for an extension of the time to respond to the City’s request for a stay until January 29, 2021. Doc. 18.

On January 13, 2021, Plaintiff informed the Court that he had not yet received the City’s

letter identifying Moore and Andrews, and filed an amended complaint listing Moore and Andrews by their last names only. Docs. 19, 20. On January 14, 2021, the Court extended Plaintiff's deadline to amend the complaint until February 15, 2021, and sent Plaintiff a copy of the City's response to the Valentin Order. Doc. 21. On January 20, 2021, Plaintiff requested discovery on the outcome of the Department of Investigation ("DOI") investigation into the underlying incident. Doc. 22. On February 3, 2021, Plaintiff requested an extension of time to amend the complaint because he is unsure that the Court has received his amended complaint listing Moore and Andrews as defendants, and believes that the City failed to identify an additional John Doe. Doc. 25.

The City's request to stay this case until **February 18, 2021** is granted.

Plaintiff's request to extend the deadline to amend the complaint is also granted. Plaintiff's second amended complaint is due **March 18, 2021**. Plaintiff is advised that in his second amended complaint, he must list Moore and Andrews as defendants using their full names and shield numbers as provided by the City. Plaintiff is further advised that because his original complaint only named two John Does, and because the City has identified those John Does, the City has fully complied with the Valentin Order.

Plaintiff's further request for discovery on the outcome of the DOI investigation is denied. Plaintiff is advised to direct his discovery requests to Defendants in accordance with Rules 26(b)(1) and 34 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

Dated: February 4, 2021
New York, New York



Edgardo Ramos, U.S.D.J.